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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO HUERTA MAGANA,

Defendant and Appellant.

F057988

(Super. Ct. No. MCR029006)
Madera County

**ORDER
MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on October 27, 2010, be modified as follows:

1. On page 2, first sentence of the first full paragraph, the end of the first sentence, the number "4010" is changed to "4019" so the sentence reads as follows:

On appeal, appellant contends: (1) the trial court ... and (5) appellant is entitled to additional section 4019 credits.

2. On page 13, first sentence of the first full paragraph, the word "retroactively" is changed to "prospectively" so the sentence reads as follows:

Under section 3, it is presumed that a statute operates prospectively “absent an express declaration of retroactivity or a clear and compelling implication that the Legislature intended [retroactive application]. [Citation.]’ [Citation.]”

Except for the modifications set forth, the opinion previously filed remains unchanged.

These modifications do not effect a change in the judgment.

HILL, J.

WE CONCUR:

DAWSON, Acting P.J.

POOCHIGIAN, J.